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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,933	10/31/2000	Craig Mahaney	Sprint-IDF-1499(4000-0250	9940

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Steven J. Funk
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8140 Ward Parkway
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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,933

Applicant(s)

MAHANEY, CRAIG

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridger et al. (6,272,209 hereinafter Bridger) in view of Burnett et al. (6,067,030 hereinafter Burnett).

Regarding claim 10. Bridger teaches an apparatus for determining the operational status of an integrated services hub supporting a plurality of telephone lines (Title, abstract), comprising:

a plurality of subscriber line interface circuits (SLIC), the number of SLICs equaling the number of telephone lines ... (col. 1 lines 5-67, columns 2-10, see subscriber line interface circuits in figures 3-5);

at least one subscriber line access circuit connected to the SLICs to detect an off-hook condition in the telephone line (col. 2 lines 40-67, col. 3 lines 1-3, col. 3 lines 60-62, col. 5 lines 41-43, col. 7 lines 1-10);

a power monitor for monitoring the status of AC power to the integrated services hub (see "LIFELINE" in the Title, abstract, col. 3 lines 60-63, col. 5 lines 41-43, col. 6 lines 4-67, col. 7 lines 26-28, lines 39-41, col. 8 lines 4-6, lines 26-31);

a telephony controller, the telephony controller receiving notification from the power monitor regarding the AC power status (see "LIFELINE" in the Title, abstract, col. 3 lines 60-63, col. 5 lines 41-43, col. 6 lines 4-67, col. 7 lines 26-28, lines 39-41, col. 8 lines 4-6, lines 26-31), the telephony controller receiving notification from the SLAC on an off-hook condition (col. 3 lines 60-63, col. 5 lines 41-45, col. 6 lines 29-31, columns 7-10).

Bridger does not explicitly show the telephony controller activating a warning signal that the AC power has failed.

Burnett teaches a method and apparatus for providing network infrastructure information for a network control center (Title). Burnett discloses that management of backup power for integrated services is extremely complex and that there exist a need to provide real time transmission of information indicating AC power failure (entire disclosure). Burnett even discloses that when AC power line loss occurs, batteries come on line and are also monitored (columns 5-6) and when problems arise, alarm signals are generated and transmitted along with the normal flow of data. Burnett clearly discloses that serious alarms (i.e. AC power failure) require immediate attention and if immediate action is not taken will lead to the loss of the entire telecommunication equipment and possibly loss of telecommunications service in a region of the country (column 6).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Bridger to activate a alert message signal as taught by Burnett indicating AC power failure so that immediate

action may be taken so that the loss of an entire service region may be avoided as taught by Burnett.

Regarding claims 11-12. Bridger does not explicitly show wherein the warning signal is audible.

Burnett teaches a method and apparatus for providing network infrastructure information for a network control center (Title). Burnett discloses that management of backup power for integrated services is extremely complex and that there exist a need to provide real time transmission of information indicating AC power failure (entire disclosure). Burnett even discloses that when AC power line loss occurs, batteries come on line and are also monitored (columns 5-6) and when problems arise, alarm signals are generated and transmitted along with the normal flow of data. Burnett clearly discloses that serious alarms (i.e. AC power failure) require immediate attention and if immediate action is not taken will lead to the loss of the entire telecommunication equipment and possibly loss of telecommunications service in a region of the country (column 6).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Bridger to activate a alert message signal as taught by Burnett indicating AC power failure by using audible or visual alarms (Burnett, col. 1 lines 1-27) so that immediate action may be taken so that the loss of an entire service region may be avoided as taught by Burnett.

Regarding claim 13. Bridger teaches wherein the telephony controller and the power monitor are software components (see first line of abstract, columns 1-10).

Regarding claim 14. Bridger teaches an apparatus for determining the operational status of an integrated services hub supporting a plurality of telephone lines (Title, abstract), comprising:

a plurality of subscriber line interface circuits (SLIC), the number of SLICs equaling the number of telephone lines ... (col. 1 lines 5-67, columns 2-10, see subscriber line interface circuits in figures 3-5);

at least one subscriber line access circuit connected to the SLICs to detect an off-hook condition in the telephone line (col. 2 lines 40-67, col. 3 lines 1-3, col. 3 lines 60-62, col. 5 lines 41-43, col. 7 lines 1-10);

a power monitor for monitoring the status of AC power to the integrated services hub (see "LIFELINE" in the Title, abstract, col. 3 lines 60-63, col. 5 lines 41-43, col. 6 lines 4-67, col. 7 lines 26-28, lines 39-41, col. 8 lines 4-6, lines 26-31);

a telephony controller, the telephony controller receiving notification from the network connection monitor regarding wide area network connection (Title, abstract, columns 1-2, col. 3 lines 60-63, col. 5 lines 41-43, col. 6 lines 4-67, columns 7-10), the telephony controller receiving notification from the SLAC on an off-hook condition (col. 3 lines 60-63, col. 5 lines 41-45, col. 6 lines 29-31, columns 7-10).

Bridger does not explicitly show the telephony controller activating a warning signal that the wide area network (col. 7 lines 11-13) connection has failed.

Burnett teaches a method and apparatus for providing network infrastructure information for a network control center (Title). Burnett discloses that management of backup power for integrated services is extremely complex and that there exist a need

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to provide real time transmission of information indicating AC power failure (entire disclosure). Burnett even discloses that when AC power line loss occurs, batteries come on line and are also monitored (columns 5-6) and when problems arise, alarm signals are generated and transmitted along with the normal flow of data. Burnett clearly discloses that serious alarms (i.e. AC power failure) require immediate attention and if immediate action is not taken will lead to the loss of the entire telecommunication equipment and possibly loss of telecommunications service in a region of the country (column 6). Burnett even discloses monitoring and acknowledging messages from the network (column 7).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Bridger to activate a alert message signal as taught by Burnett indicating AC power failure so that immediate action may be taken so that the loss of an entire service region may be avoided as taught by Burnett.

Regarding claims 15-16. Bridger does not explicitly show wherein the warning signal is audible.

Burnett teaches a method and apparatus for providing network infrastructure information for a network control center (Title). Burnett discloses that management of backup power for integrated services is extremely complex and that there exist a need to provide real time transmission of information indicating AC power failure (entire disclosure). Burnett even discloses that when AC power line loss occurs, batteries come on line and are also monitored (columns 5-6) and when problems arise, alarm

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signals are generated and transmitted along with the normal flow of data. Burnett clearly discloses that serious alarms (i.e. AC power failure) require immediate attention and if immediate action is not taken will lead to the loss of the entire telecommunication equipment and possibly loss of telecommunications service in a region of the country (column 6).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Bridger to activate a alert message signal as taught by Burnett indicating AC power failure by using audible or visual alarms (Burnett, col. 1 lines 1-27) so that immediate action may be taken so that the loss of an entire service region may be avoided as taught by Burnett.

Regarding claim 17. Bridger teaches wherein the telephony controller and the power monitor are software components (see first line of abstract, columns 1-10).

Method claims 1-4 are rejected for the same reasons as apparatus claims 10-13 since the recited apparatus would perform the claimed steps.

Method claims 5-9 are rejected for the same reason as apparatus claims 14-17 since the recited apparatus would perform the claimed steps.

Response to Arguments

2. Applicant's arguments filed 3/5/02 have been fully considered but they are not persuasive.

a) In response to Applicant's argument starting on page 5 continuing on page 9 wherein Applicant's argue that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must

be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ (CCPA) 1969.

In this case, Applicant's argue that there is no suggestion or motivation in these references or otherwise to modify Bridger as suggested by the Examiner.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Bridger does not explicitly show the telephony controller activating a warning signal that the AC power has failed. Burnett teaches a method and apparatus for providing network infrastructure information for a network control center (Title). Burnett discloses that management of backup power for integrated services is extremely complex and that there exist a need to provide real time transmission of information indicating AC power failure (entire disclosure). Burnett even discloses that when AC power line loss occurs, batteries come on line and are also monitored (columns 5-6) and when problems arise, alarm signals are generated and transmitted along with the

normal flow of data. Burnett clearly discloses that serious alarms (i.e. AC power failure) require immediate attention and if immediate action is not taken will lead to the loss of the entire telecommunication equipment and possibly loss of telecommunications service in a region of the country (column 6). Therefore, it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Bridger to activate a alert message signal as taught by Burnett indicating AC power failure so that immediate action may be taken so that the loss of an entire service region may be avoided as taught by Burnett.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600